

**PLAINTIFF'S TRIAL EXHIBIT 10**  
**MOTION TO REOPEN TO RECONSIDER DATED 5/25/98**

[698-701]

U.S. Department of Justice  
Executive Office of Immigration Review  
Immigration Court  
Newark, New Jersey 07012

IN THE MATTER OF:  
**BORGES, Jose A.**  
File No. A73 591 940

**MOTION TO REOPEN TO RECONSIDER**  
**8 CFR §103.5(a)(1)(i)**

We respectfully request a consideration of the Judge's decision dated February 3, 1998 to deny the applicant's Motion to Change Venue. Enclosed for your records is a duly completed G-28. In accordance 8 CFR §103.5(a)(1)(i), we submit this Motion for Reopen to Reconsider, based upon the following:

1. Mr. Borges was issued an appointment on September 23, 1997 and then again on January 27, 1998.
2. Mr. Borges came to our office for legal representation on or about January 10, 1998. Upon review and consideration of the facts and documents, Mr. Borges established residence in New York.
3. In consideration of Mr. Borges' domicile, our office submitted a Motion to Change Venue (*copy attached with supporting document*) on January 27, 1998 (*copy of certified and return receipts*). Mr. Borges was also provided a duplicate original of the Motion to Change Venue with its supporting documentation, and was advised to appear for this appointment and submit the document for the record. Mr. Borges did appear for said appointment.

Duplicate  
Plaintiff's  
Ten Evidence.

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1 4. Per Mr. Borges, the Hon. Judge Henry S. Dogin refused to accept the Motion to  
2 Change Venue, and further advised Mr. Borges that he was going to receive a final  
3 appointment.

4 5. On February 3, 1998, Judge Dogin issued a Decision to Remove Respondent on  
5 the basis the Mr. Borges failed to appear on the scheduled appointment.

6 6. We would argue that appearance was made on a timely manner by the Motion to  
7 Change Venue, and the Judge's decision to remove Mr. Borges was made in  
8 prejudice and said decision was capricious given that proper procedure was taken  
9 to establish a valid basis for Mr. Borges' request, both by Mr. Borges, and his  
10 representative.

11 That on the basis of the above facts and information provided, we respectfully  
12 request that your office stay the Judge's decision, grant our previously submitted  
13 Motion to Change Venue to that of New York, and permit us to proceed with the case in  
14 its proper jurisdiction.

15 Respectfully submitted,

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18 Alfred P. Placeres, Esq.  
19 On behalf of Jose A. Borges  
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23 Submitted: April 25, 1998

24 Representative Address: PO Box 7806-FDR Station  
25 New York, NY 10150-1915

26 cc: Mr. Jose A. Borges  
27 161 East 22<sup>nd</sup> Street  
28 New York, NY 10010  
29

30 cc: Colleen S. Passafiume,  
31 Assistant District Director for Deportation  
32 Newark, New Jersey  
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